Remarks

This is responsive to the Office Action mailed August 3, 2010.

Favorable reconsideration respectfully is requested.

The application includes claims 1-16 and 20. No amendments are made to the claims in this Reply.

All claims currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wallace et al (U.S. Patent No. 6,621,483) in view of Applicant's Admitted Prior Art (AAPA) and further in view of Bower (US-PGPUB 2002/0072915) and further in view of Brewer (US 5,611,040).

Withdrawal of this rejection and allowance of all claims respectfully is requested for at least the reasons below and for the reasons previously expressed in prior Replies of record.

In the event Examiner Kumar determines not to allow this application, she is respectfully requested to telephone applicant's undersigned attorney to arrange for a telephone interview prior to issuing any further office action. It is anticipated that applicant's undersigned attorney and his associate would participate in the telephone interview with Examiner Kumar.

For at least the reasons below, a case for prima facie obviousness of the claimed subject matter has not been made out.

In the Office Action, the subject matter of independent claims 1, 3 and 20 was alleged to be obvious in view of the combined teachings of Wallace, AAPA, Bower and Brewer.

Also, in the Office Action, the Examiner acknowledged that the combination of Wallace, AAPA and Bower fails to teach that removing the finger in an upward direction begins the set time limit and the finger is reapplied prior to expiration of the set time limit. (See the Office Action at page 4, lines 3-5.)

With respect to the latter feature, the Examiner refers to Brewer, in particular Fig. 2 and col. 3, line 59 through col. 4, line 6. According to the Examiner's interpretation, the input device as described in this section of Brewer has click functions which indicate the functionalities of removing and reapplying the finger as defined in the independent claims. (See the Office Action at page 4, lines 6-12.)

However, we respectfully disagree with this interpretation for at least the following reasons:

Attention is invited to Brewer column 3, lines 60-62, which read, as follows:

"...for the single click (i.e., <u>button down then up</u>) to be interpreted as a double click, the single click should occur within a preset double click time and range." (Emphasis added)

Accordingly, the single click of Brewer, which is interpreted as a double click, begins with pressing the button and ends with releasing the button. This is opposite to the definitions of the independent claims 1, 3 and 20 of the instant patent application. According to claims 1, 3 and 20, an upward movement, i.e., removing the finger, begins the set time limit and a downward movement, i.e., re-applying the finger, needs to be accomplished prior to expiration of the set time limit.

Brewer does not disclose or suggest the above claimed feature.

Moreover, it is to be noted that the "click" procedures as described in the Bower and Brewer references, e.g., single clicks and double clicks, are different from removing and replacing the finger as defined in the claims. Namely, in order to perform a click, a button will be pressed and released. However, this does not mean or require that the finger is removed from a member and then replaced on the member. Rather, in a typical click operation, the user will leave the finger on the button. In devices operating on the basis of click procedures as described by Bower and Brewer, the sequence of the actions of removing the finger and reapplying the finger within the set time limit as defined in the claims have the advantage that it is clearly distinguishable from other actions such as pressing and releasing the moveable member. Accordingly, conventional actions such as pressing and depressing the movable member remains available for other navigation procedures in the hierarchically organized menu system.

Further differences as compared to the teachings of Wallace, AAPA and Bower already have been presented in prior Replies. Brewer does not make up for the failure of the Wallace, AAPA and Bower reference combination to make obvious the claimed invention.

For example, claim 1 points out "said navigating in a backwards direction consisting of solely performing the following two steps within a set time limit:...". Since the language "consisting of" is used, no steps are performed other than the recited two steps. None of the prior art discloses the claimed limitation.

Bower at page 4, paragraph 0043 describes a separate button and a double click. A double click is at least three steps: click, release, click. The present invention does not require a separate button and is not a classic double click. In contrast to Bower, the method and apparatus of present invention, as is set forth in the claims, rely on removing a finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. There is no need for a double click action or of a separate button.

In Bower the <u>triggering event for starting a timer</u> in order to detect whether a double-click operation has been performed is always <u>a downward movement</u> of the finger on a button. In stark contrast, the triggering event in order to detect whether an operation according to claim 1 of the present application has been performed is <u>an upward movement</u> of the finger corresponding to removing the finger from the movable physical member. As is pointed out in claims 1, 3 and 20, for ecample, **the triggering event for starting the timer is an upward movement** (removing the finger from the movable physical member).

Applicant's Admitted Prior Art (AAPA) mentions that a movable joystick can be used to navigate in a virtual three-dimensional environment. But, AAPA does not disclose navigating by solely performing the two steps within a set time limit (removing the finger from and re-applying the finger to a movable physical member) (claim 1), nor does AAPA disclose navigation by removing a finger and re-application of the finger to a movable physical member (claims 3 and 20).

Wallace discloses a device in which there is a fixed member. In an embodiment of Wallace a finger is slid with respect to that fixed member to move a cursor.

Wallace does not disclose a movable physical member. The Examiner previously had asserted that Wallace discloses a movable physical member. This is not in line with the disclosure of Wallace, which does not provide any disclosure of a movable physical member.

A person of ordinary skill in the art would understand that the physical member

disclosed in Wallace, which is the transparent stud 3 illustrated on Fig. 1, is not movable and must actually not move in order for the process of Wallace to work properly. The detection of movement in Wallace is based on the precise tracking of the finger's image (col. 4, lines 44-45, col. 5, lines 9-14). It involves lens 8 (col. 2, lines 54-55, col. 5, lines 9-11), production of incremental signals (col. 3, lines 11-14), a precise focus to get a clear image of the finger (col. 3, lines 5-6, col. 5, lines 60-64), etc. All in all, any movement of the physical member disclosed in Wallace, i.e. the transparent stud 3, may cause the image detected by the motion detector 9 to be corrupted due to a loss of focus. The importance of getting precise, focused images is explained in Wallace, col. 6, lines 13-15. Starting from Wallace, a skilled person would not have considered moving the stud 3.

This shows that Wallace and Bower are not compatible. Combining Wallace and Bower amounts to using the invention as a template through a hindsight reconstruction of the claims, which is not admissible.

If Wallace and Bower had nevertheless been combined, a button (separate from the stud 3) would be added to the system of Wallace, and, on this new button, single- and double-click could then be performed. This does not lead to the invention. The invention provides a single movable physical member for intuitively navigating through a hierarchically-organized menu.
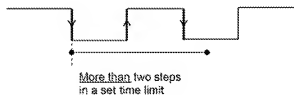
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The graphical illustration below further explains the differences between the claimed invention and the double-click operation, as follows:

Invention

Solely two steps in a
set time limit

Double-click

More than two steps
in a set time limit
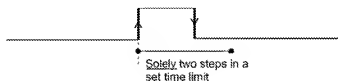
The upper diagram (labelled "*Invention*") shows the movement of a finger in the operation defined in claim 1 of the present application. In contrast, the second, lower diagram (labelled "*Double-click*") illustrates the movement of a finger while performing a double-click.

In the invention, solely two steps need to be performed within a set time limit for the operation to be detected. Indeed, in claim 1, for example, the navigating in a backwards direction consists of solely performing the recited two steps within a set time limit.

In a double-click operation, more than two steps, i.e. at least three steps, need to be performed within a set time limit for the double-click operation to be detected. Consequently, a double-click does not anticipate the operation defined in claim 1. Moreover, as was discussed above, Brewer does not disclose the missing element of the Wallace, AAPA and Bower reference combination.

The following difference between the claimed invention and the combination of references additionally exists. In the invention, the triggering event for starting a timer in order to detect whether the backward operation (removing the finger, and then re-applying it) has been performed is **an upward movement** of the finger, whereas, in a

double-click and in Brewer's single click that is discussed above, the triggering event is **a downward movement** of the finger.

This difference and the intuitive character of the upward movement in the claimed invention, e.g., as explained below, demonstrate that the invention is non-obvious over the applied combination of references.

The claimed method of and device for inputting a user command as defined in the claims provides a surprisingly intuitive way (i.e., easier and more logical for the human's mind) to navigate within a hierarchically-organized menu system since moving one's finger backwards (backwards or away from the physical member, which is the removal or upward movement of the finger) causes a corresponding backward movement within the hierarchically-organized menu. This claimed feature is not disclosed or suggested in any of the applied references.

Thus, it will be appreciated that several claim limitations are not disclosed or in any of the applied references.

In view of the foregoing, the subject matter of claims 1-16 and 20 would not be obvious to a person having ordinary skill in the art in accordance with the requirements of 35 U.S.C. 103(a).

Accordingly, it is submitted that all of claims 1-16 and 20 are allowable over the prior art, and an indication thereof earnestly is requested.

Conclusion

In view of the foregoing, it is believed that this application is in condition for allowance, and request is made for timely issuance of a Notice of Allowance.

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If the foregoing does not result in allowance of this application, the Examiner is respectfully requested to telephone applicant's attorney to arrange for an interview.

Also, of course, if the Examiner has any questions, she is invited to telephone Applicants' Attorney at the number below.

Respectfully submitted,
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